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MS302986.01 / MSFTP494US

REMARKS

Claims 1-4, 6-18, 20-33 and 35-43 are currently pending in the subject application and are presently under consideration. Claims 5, 19, and 34 were previously cancelled.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-43 Under 35 U.S.C. §102(e)

Claims 1-4, 6-18, 20-33, and 35-43 stand rejected under 35 U.S.C. §102(e) as being anticipated by Christiano (U.S. 5,671,412). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Christiano does not teach or suggest each and every aspect of the subject invention as claimed.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The claimed invention relates to a license management and enforcement system. In particular, independent claims 1, 11, 20, 29, and 40 recite similar limitations, namely *checking stored license data at defined intervals to ensure that the data has not been corrupted*. Christiano is silent with respect to such novel feature recited in the subject claims.

Christiano discloses a license management system for software applications that stores and manages license data using a client-server model. A license server stores software application license data, and client systems that have access to this server can request licenses for various applications. The license server, as disclosed in the reference, performs diagnostic checking of the license store data upon receiving a license request from a user (col. 10, lines 53-55 and col. 19, lines 17-21), upon initialization of the license store (col. 11, lines 12-24), or in response to a request from a client system to perform diagnostic checks (col. 21, lines 19-28 and col. 22, lines 29-33).

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The Office Action incorrectly contends that checking "from time to time" equates to *checking stored license data at defined intervals to ensure that the data has not been corrupted* as taught in the claimed invention. Because the interaction between the client system and the server occurs based on varying user behavior that *does not* have any specified regularity, the verification disclosed in the reference clearly cannot be construed to be *periodic*, as recited specifically in claims 1, 11, 20, and 40, or occurring at *defined intervals*. Furthermore, the word "periodic" is defined in the Merriam-Webster dictionary as "occurring or recurring at regular intervals," and while the reference discloses the ability of the server to check license data, it does not disclose that any of the three situations noted *supra* occurs with temporal regularity. Because the verification does not have a defined frequency, it is more appropriate to define the verification as disclosed in Christiano to be *aperiodic* rather than *periodic*. While Christiano does disclose the ability to verify license data in response to user input, the reference is clearly silent with regard to *checking stored license data at defined intervals to ensure that the data has not been corrupted*.

In view of at least the foregoing, it is apparent that Christiano does not teach or suggest all limitations recited in independent claims 1, 11, 20, 29, and 40 (and the claims that depend there from), therefore this rejection should be withdrawn.

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The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP494US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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